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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

SALMA AGHA-KHAN, M.D. 10001 Venice Boulevard # 402 Los Angeles, California 90034 Telephone: (949) 332-0330 email: salmahagha@aol.com

Plaintiff-Debtorin Pro Se

### UNITED STATES BANKRUPTCY COURT

#### **EASTERN DISTRICT, BAKERSFIELD DIVISION**

Case No. 10-16183 Chapter 7

Debtor,

REQUEST FOR JUDICIAL NOTICE RE PLAINTIFF-DEBTOR'S MOTION TO DISQUALIFY KLEIN DENATALE GOLDNER LAW FIRM FROM REPRESENTING DEFENDANT TRUSTEE VETTER DUE TO

- 1. CONFLICT OF INTEREST AS PLAINTIFF-DEBTOR WAS THEIR FORMER EMPLOYER AND
- 2. THIS CURRENT EMPLOYMENT WAS FRAUDULENTLY ALLOWED BY DEFENDANT JUDGE CLEMENT;

Judge: HON RICHARD LEE
Hearing Date: February 5, 2015

Time: 9:00 am

Place: US Bankruptcy Court 1300 18<sup>th</sup> Street, Ste A Bakersfield, CA

**PLEASE NOTE:** The **DUTY TO REPORT MISCONDUCT** to the appropriate governing authorities is an ethical duty imposed on Judges, Attorneys etc in the United States by the rules governing professional responsibility. Acts constituting misconduct include tampering with evidence, suborning perjury and committing criminal acts of violence or dishonesty. Failure to report such crimes can result in disbarment, sanctions, impeachment etc.

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JUDICIAL NOTICE RE PLAINTIFF-DEBTOR'S MOTION TO DISQUALIFY KLEIN DENATALE GOLDNER LAW FIRM FROM REPRESENTING DEFENDANT TRUSTEE VETTER DUE TO 1. CONFLICT OF INTEREST AS PLAINTIFF-DEBTOR WAS THEIR FORMER EMPLOYER AND 2. THIS CURRENT EMPLOYMENT WAS FRAUDULENTLY ALLOWED BY DEFENDANT JUDGE CLEMENT

#### **REQUEST FOR JUDICIAL NOTICE**

Plaintiff hereby requests that the Court take Judicial Notice, pursuant to Rule 201 of the Federal Rules of Evidence, of Exhibits described below as a PRE-PLANNED SCHEME ENACTED AS A CONGLOMERATION OF FRAUDS TO PERPETRATE AMBUSHED FRAUDULENT HIRING OF ATTORNEYS SEEKING REVENGE AGAINST PLAINTIFF BY DEFENDANT JUDGE CLEMENT AS AN ADDITIONAL AID TOWARDS STEALING PLAINTIFFS PROPERTIES WHILE ACTING UNDER COLOR OF OFFICIAL RIGHT WAIVING HIS RIGHT TO JUDICIAL IMMUNITY.

The enactment of his series of GRAND THEFT FELONIES
PERPETRATED BY DEFENDANTS is also evidence of HATE, RACIAL AND
SEXUAL DISCRIMINATION CRIMES COMMITTED BY ALL
DEFENDANTS SPECIALLY DEFENDANT JUDGE CLEMENT AGAINST
THE PLAINTIFF, A MINORITY WOMAN OF COLOR, A SINGLE
MOTHER OF TWO CHILDREN AND A HIGHLY QUALIFIED
PROFESSIONAL HELD IN HIGH ESTEEM BY ALL.

Defendant Judge Clement's unjust ambushed fraudulent appointing of revenging unethical attorneys who had an "Old Score to Settle" was with full knowledge of the conflict of interest that existed between Plaintiff and these Defendant attorneys.

Defendants Holder, Goldner and KDG law firm were illegally and unethically "allowed" by Defendant Judge Clement in an ambushed fashion to specially represent Defendant Trustee in this illegal reopening of Bankruptcy knowing that

JUDICIAL NOTICE RE PLAINTIFF-DEBTOR'S MOTION TO DISQUALIFY KLEIN DENATALE GOLDNER LAW FIRM FROM REPRESENTING DEFENDANT TRUSTEE VETTER DUE TO 1. CONFLICT OF INTEREST AS PLAINTIFF-DEBTOR WAS THEIR FORMER EMPLOYER AND 2. THIS CURRENT EMPLOYMENT WAS FRAUDULENTLY ALLOWED BY DEFENDANT JUDGE CLEMENT

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# a. they had not represented the Defendant Trustee in original Bankruptcy and

b. the firm and its Principal, Defendant Goldner, were guilty of previously settling a malpractice claim with the Plaintiff for about \$30,000.00 - thirty thousand dollars in lieu of their actions when they were employed by the Plaintiff. (Exhibit 1: Plaintiffs Letter to KDG Law Firms Principal Barry Goldner Outlining Her Malpractice Claim Against Them, April 4, 2006) and (Exhibit 2: KDG Law Firms Letter to Plaintiff accepting her as their Client, June 29, 2004)

Facts/frauds pertaining to Defendants pre-planned "SCHEME" to steal Plaintiffs San Francisco lawsuit using Bankruptcy as an excuse to benefit their "special friends" Defendants Breitman, BBG Ltd, Zouras and Chandler. (Exhibit 3:Doc #72; Defendant Trustee Vetters Application for Order Authorizing Trustee to Employ Defendant Attorneys prior to his own employment effective September 13, 2012, filed November 8, 2012).

Defendant Trustee Vetter in Doc #72 tells the entire story of their "scheme" and the steps these Defendants took towards their common goal of stealing Plaintiffs properties

- a. Defendant Trustee Vetter stated that Defendant "Breitmans Attorneys had contacted Defendant KDG and offered a settlement to KDG" (officially only a trial date was set and no offers were made to the Plaintiff in that lawsuit). Please Note
  - i) Offer was made before the bankruptcy was reopened confirming Defendants pre-planned hatching of a scheme to steal Plaintiffs properties

ii) Offer was regarding "claims held by Debtor or Estate" thus asking these sleazy, unethical Defendant Attorneys to recruit Defendants Vetter and Judge Clement to illegally reopen Plaintiffs Bankruptcy so they may steal her properties

- c. Defendant **KDG** "contacted the **US** Trustee and requested that the Chapter 7 case filed by Debtor be reopened in order to administer the assets of the estate not disclosed". (Exhibit 3: Doc #72;Pg2Lns3-5). Please note that
  - i) Defendant KDG had no Bankruptcy filings or supporting documents to "review" Plaintiffs Chapter 7 case so they could base a request on. Their **only basis was revenge!**
  - ii) This illegal task of reopening the Bankruptcy was accomplished following a thorough review of Plaintiffs Chapter 7 files by **Defendant Robin Tubesing,** attorney to the US Trustees Office (Exhibit 4: Doc 70, Order to Reopen Bankruptcy, filed September 18, 2012)
  - evidence of First Creditors Meeting Recording was not available and had already been destroyed according to US Trustee Office Policy. (Exhibit 5: US Trustee office email to Defendant Zouras, August 1, 2012)

This backward recruiting of Trustee by Attorneys is against US Department of Justice Bankruptcy rules where the Trustee justifies hiring of attorneys based on the need, cost etc, according to US Department of Justice Chapter 7 Trustee Handbook Chapter 8:

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Administration of a Case, (Exhibit 12: DOJ Chapter 7 Trustee Handbook-Chapter 8, M, M2, Pgs 8-21-22)

- i) M: 8-21. "Employment and supervision of professionals: Trustee may employ professionals including attorneys"...."The employment of professionals must be approved by the court".........."Court approval should be sought prior to the rendering of any services"...."issues such as disinterestedness are more appropriately addressed when court approval is sought and obtained prior to work by the professional"
- ii) M 2. 8-22 "The trustee must determine whether the services of a professional are needed and whether the cost is warranted".... "the trustee should determine at the outset the level of professional work required and the estimated costs and benefits associated with the work".
- iii) M 2. 8-22 "Employment Standards: The threshold question for employment of any professional is the necessity of employment"

LIES told and frauds perpetrated by all Defendants to make sure their "SCHEME" works include

- a. Intentional **hiding of the existing conflict of interest** between these instigating "attorneys" and Plaintiff-Debtor
- b. ATTORNEYS HIRING THE TRUSTEE against Bankruptcy Rules
- c. Hiding the fact that Defendants KDG, Holder, Trustee Vetter, Breitman, BBG Ltd, Zouras and Chandler had all been "working/colluding" together UNDISCLOSED for about TWO MOTHS on Plaintiff-Debtors case
- d. Need for Defendant KDG was "**to advise and consult**" on how to steal from Plaintiff, (Exhibit 3:Doc #72;Pg2Lns12-13&15-16)

- i) which KDG had been doing even **BEFORE** Trustee himself was appointed and
- ii) KDG was not "advising" in initial Bankruptcy!
- e. Defendant Attorneys were "necessary" to perform legal work on this case and will be in the "best interest of the estate" when the Defendant Trustee had not hired them in initial Bankruptcy (Exhibit 3:Doc #72;Pg2Ln19: Pg3Ln4-5)
- f. Defendant Attorneys "do not hold or represent an interest adverse to the estate", "is a disinterested person" and "has no disqualifying connection with Debtor, or Creditors" (Exhibit 3:Doc #72;Pg3Lns7-11)

Defendant Judge Clement made sure that this illegal, unethical Retroactive backdated appointment of Defendant attorneys Holder and KDG Law Firm will go into effect without any objections from Plaintiff-Debtor by

- a. **Issuing this order on thirteenth day of filing of this motion** thus making sure that Plaintiff-Debtor will not have any chance to file an objection (Exhibit 6: Doc #77; Order Authorizing Trustee to Employ Attorneys Effective September 13, 2012 **before Trustee himself was hired**; issued November 21, 2012) and
- b. **Lies** that Defendants KDG and Holder were a "disinterested person having no disqualifying connection with debtor, her creditors or any other party in interest"......and their "employment is in the best interest of the estate" (Exhibit 6: Doc #77; Pg1Lns22-27)

/////

- c. Forbids the Plaintiff from filing a written objection to this illegal action and appointment (Exhibit 7:Doc#109;Civil Minutes: Motion/Order To Employ Attorneys Effective September 13, 2012, "BACK-DATED" to before Trustees appointment),
  - 1. "Notice: LBR 9014-1(f)(2); no written opposition required" and (Exhibit7:Doc#109; Pg1Paras1&2)
  - 2. "No responding party is required to file written opposition to the motion"

Defendant Trustee Vetter **FAILED to notify** the Plaintiff-Debtors and her Counsel regarding his Application asking for Order to appoint the conflicted attorneys and didn't even attempt to lie about a fake consultation on this "insider job" which was well known to Defendant Judge Clement who **consensually ignored it sticking to their "scheme"**.

**Defendant Holder and KDG Law Firms Declaration** and later her **Supplemental Declaration**, as one register of lies was not enough so it had to be "supplemented", added to multiple lies already told by Defendant Trustee and fraudulently accepted by Defendant Judge Clement in **Support of Trustees Application for their BACK-DATED employment** filed November 8, 2012 and January 2, 2013 respectively. (Exhibit 8: Doc #73, Declaration of Lisa Holder in Support of Application for Order Authorizing Trustee To Employ Attorneys Effective September 13, 2013) and (Exhibit 9: Doc #97, Supplemental Declaration of Lisa Holder Regarding Order Authorizing Trustee To Employ Attorneys Effective September 13, 2013)

The first "Declaration" filed by Defendant Holder in Support of her

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BACK DATED RETRACTIVE EMPLOYMENT (Exhibit 8: Doc #73) were lies all declared "under the penalty of perjury"...... "within my personal knowledge" and "that the foregoing is true and correct" included

- a. Title itself is made up of several lies as follows
  - i) "Authorizing Trustee to employ" when it was the ATTORNEYS THAT HAD HIRED THE TRUSTEE against Bankruptcy Rules (Exhibit 8:Doc #73;pg1Lns12-13)
  - ii) "Effective September 13, 2012 BEFORE Trustee himself got appointed to the case (Exhibit 8:Doc#73;pg1Lns13-15&25-26
- b. hides her firms previous malpractice settling relationship/history with Plaintiff-Debtor while "prepared a conflict of interest report regarding this case".... "I reviewed the conflict of interest report"...."KDG does not hold or represent any interest adverse to the estate"...."is a disinterested person" and "any connections" Plaintiff-Debtor to "are disclosed" (Exhibit 8:Doc#73;pg2Lns4-13)
- c. endorses the lies told by Defendant Trustee Vetter and
  - i) "is willing to accept employment on the basis set forth in the Application"
  - ii) forgets that Defendant Trustee Vetter had "declared" in his application that "KDG had contacted Trustee" (Pg3;Item5:b)
- d. Lies stating that "I first consulted with Jeffery Vetter regarding this case on September 13, 2012" (Exhibit 8: Doc #73; Pg2Lns17-20) when Vetter was not appointed till September 19, 2012 (Exhibit 10: Doc #71, Defendant Vetters appointment as Trustee, September 19, 2012)

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- e. Lying regarding "there have been no connections with the trustee or Debtor" ....."a review of the list of creditors does not show any connection with any of the creditors listed the Debtor"....."unrelated to the debtor" then listing "CITIBANK" as their client (Exhibit 8: Doc #73;Pg3Lns4-9) which
  - i) happens to be **Plaintiff-Debtors primary residence mortgage** holder who later illegally evicted her and stole all her belongings!!
  - ii) Citi Mortgage is listed as a Creditor in Plaintiff-Debtors **Creditor Matrix**

Supplemental Declaration of Defendant Holders regarding her BACK DATED RETRACTIVE EMPLOYMENT was also full of lies declared "under the penalty of perjury"...... "within my personal knowledge" and "that the foregoing is true and correct" (Exhibit 9: Doc #97) including

- a. knowledge that Plaintiff-Debtors Attorney was forbidden to file a in emails complained to Trustee written objection and he had regarding this conflict of interest employment being
- b. unethical in view of malpractice claim settling history between KDG and Plaintiff-Debtor and
- c. against California Rules of Professional Conduct, Rule 3-310€ as Defendant KDG has obtained no written informed consent from Plaintiff-Debtor regarding this employment TO THIS DAY
- d. Continuous lies regarding Plaintiffs "name change" when she saw and hid the fact that Plaintiff-Debtors name on all forty nine pages of Bankruptcy Schedules is SALMA HAIDER AGHA-KHAN, (Exhibit 11: FORTY NINE PAGES of Bankruptcy Schedules

dated July 13, 2010) with added lies stating

- i) "my conflict check had not picked up prior representation of Dr. Agha" (Exhibit 9: Doc #97;pg1Lns27-28)
- ii) "Dr. Agha's petition did not disclose that she had used any other names during the eight years before the petition date" (Exhibit 9: Doc #97;pg2Lns7-9)
- "I ran a search in my conflicts system under the name 'Salma Khan' which returned a result indicating that Klein DeNatale represented Salma Khan in 2003-2004 in construction defect litigation" (Exhibit 9:Doc #97;pg2Lns1-3) forgetting to include the years 2005 and 2006 when my malpractice claim against them was settled in their office by their firms Principal Defendant Goldner (returned about \$30,000.00 of money paid to them)
- e. contradicts her own declaration in this same paragraph **now stating the date of conclusion to be "2005"** (Exhibit 9:Doc #97;pg2Ln5)
- f. states the reason for their prior association "Dr. Agha sued the builder of her personal residence and Klein DeNatale represented her" but fails to mention that
  - ) this same "personal residence" is Plaintiff-Debtors primary residence with CitiBank holding the lien which is the ONLY BANK this Defendant law firm has "declared" ties with (Exhibit 8:Doc #73:Pg3Lns4-9) and
  - ii) that she saw Citi listed as a Creditor in Plaintiff-Debtors CreditorMatrix and

iii) with regards to this same "personal residence" she was planning with her Citi connection to

- illegally get it foreclosed by CitiMortgage even though
   Citi had agreed to a loan modification and stated that this foreclosure was a mistake that will be reversed
- 2. bypass the Bankruptcy court and obtain an "Unlawful Detainer" in City Court to illegally evict Plaintiff and
- 3. steal all her belongings!!

Defendant Holder continues to cover up her deceitful employment (Exhibit 9:Doc #97;Pg2Lns2-24) obtained in an attempt to seek revenge which is in fact what she accomplished.

Defendant Holder states that "the firm and I do not have confidential information regarding Dr. Agha arising from the firms prior representation of Dr. Agha" and that it "concluded some eight years ago" and that "the firm does not hold or represent an interest adverse to the estate"......."The firm is disinterested" (Exhibit 9:Doc #97;Pg3Lns5-6&8-10)

Defendant Trustee Vetter, Defendant Judge Clement and Defendant attorneys failed to disclose their "close relationship" financial or otherwise with Defendants Breitman, BBG Ltd, Zouras and Chandler.

It is this "close relationship" between Defendants that started around July 2012 and was influential enough for Defendant attorneys, Defendant Trustee Vetter and Defendant Judge Clement to perform this prolonged series of illegal acts through blatant lying, illegally changing Bankruptcy Laws and fraudulently making illegal changes to hide facts in

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24 25 Plaintiffs Case Docket and records just so they could favor Defendants Breitman, BBG Ltd, Zouras and Chandler.

All Defendants intentionally failed to involve any Creditors, posted NO NOTICE OF SALE, asking Creditors to file their claims by February 13, 2013 and fraudulently making the creditors believe they were getting an "Authorization to sell" instead of ACTUALLY SELLING the stolen goods to Defendants in that same lawsuit through special notification and at a specially reduced price JUST FOR THEM, against Trustees duties as outlined in US Department of Justice Chapter 7 Trustee Handbooks Chapter6: Duties of a Trustee 6-1, A: "Introduction: "A trustee should not administer an estate or an asset in an estate where the proceeds of liquidation will primarily benefit the trustee or the professionals" (Exhibit 13: US DOJ Chapter 7 Trustee Handbook-Chapter 6, A, Pgs 6-1)

This illegal alliance between Defendant Attorneys and Defendant Trustee Vetter allowed by Defendant Judge Clement has introduced quite a few **ILLEGAL FIRSTS** into our Judicial System. All these ILLEGAL FIRSTS if not dealt with and removed immediately will get quoted, reported and repeated in future years for all times to come. A list of some salient "ILLEGAL FIRSTS" is as follows

- a. illegally changed laws and requirements of Bankruptcy Filings which now must include in a list of current tangible sellable assets in Schedules all "future, potential, possible, thought processes" that may result in possible future financial gains
- b. voiding the two year statute of limitation from date of filing for reopening of Bankruptcy which can now be reopened whenever a

Debtor comes into possession something the Trustee, Judge etc may want as a favor for a "special friend"

- c. disregarding critical evidence of Creditors Meeting recordings and their contents which are not required for reopening Bankruptcies as these are easily and purposefully ignored
- d. Presiding Judges can be protected under "Judicial Immunity" for performing the following illegal acts
  - i) perform hate, racial and sexual discrimination crimes
  - ii) violate Plaintiffs Civil Rights
  - iii) **threaten** Plaintiffs with physical violence in Court proceedings
  - iv) actively pick sides in cases and actively take part in Court proceedings on behalf of their chosen party
  - v) issue orders illegally on motions on thirteenth day of filing of that motion to prevent opposition from filing a written objection
  - vi) **forbid opposition** from filing written objections to their fraudulent rulings
  - vii) **steal** Plaintiffs property by force in illegally created Court cases **to** favor their "special friends"
  - viii) redact documents proving their corruption
  - ix) create new case number for filing of these previously redacted documents in an effort to hide documents serving as proof of their illegal actions
  - x) admit and favor liars and their lies while ignoring all prior evidence of legal Court filings and proceedings submitted as facts

xi) <b>conduct</b>	fraudulent	hearings	in the	name	of	Bankru	ptcy	with
complete	absence of	Creditors v	vithout	posting	а	Notice	of Sa	le o
notifying	Creditors of	an actual s	ale date	9				

- xii) **conduct fraudulent sale of Debtors properties** in the name of Bankruptcy in complete absence of Creditors without posting a Notice of Sale or notifying Creditors of an actual sale date
- xiii)**lying in the Motion,** Proof of Service and even on Court Proceeding Transcript Title as to the real reason for the hearing while conducting fraudulent hearings for other specific purposes their fit their own personal needs
- xiv) accomplish stealing and selling a lawsuit to a Defendant in that same lawsuit knowingly and fraudulently accepting the Defendant to be an uninvolved "third party"
- xv) be instrumental in getting cases dismissed fraudulently by getting criminal Defendants be both Plaintiff AND Defendant IN THE SAME CASE
- xvi) fraudulently **DIVERT** the filing of documents into a "New" 13-01086 Case Docket to **hide** and **bury** the filings
- xvii) fraudulently "SHIFT" the Bankruptcy Proceedings into a "New"

  Case docket 13-01086 because it has a recent Filing date August
  1, 2013 instead of the Main Bankruptcy Docket 10-16183 which
  has the Filing Date May 30, 2010, Discharge Date September 23,
  2010 and ILLEGAL REOPENING DATE September 1, 2012

  xviii) and on and on and on....the list is truly ENDLESS.

It is really amazing and commendable how Defendant Judge Clement with his Defendant co-conspirators accomplished such an IMPRESSIVELY long list of ILLEGAL FIRSTS INTRODUCED INTO OUR JUDICIAL SYSTEM in just ONE CASE!!!

In view of the above facts it is painfully evident just how "LEGAL" was this prior representation/alliance/collusion between Defendants KDG and Trustee Vetter fostered by Defendant Judge Clement in Plaintiffs illegally reopened Bankruptcy with the specific purpose of stealing Plaintiffs property as a favor to their "new Friends" Defendants Breitman, BBG Ltd, Zouras and Chandler?

Also these illegal actions committed by the Defendants against the Plaintiff are evidence of HATE, RACIAL AND SEXUAL DISCRIMINATION CRIMES PERPETRATED BY DEFENDANTS AGAINST THE PLAINTIFF, A MINORITY WOMAN OF COLOR, A SINGLE MOTHER OF WO CHILDREN AND A HIGHLY QUALIFIED PROFESSIONAL HELD IN HIGH ESTEEM BY ALL INCLUDING HER PEERS.

#### CONCLUSION

**Defendants have used Bankruptcy as means to an end** where in the Bankruptcy Court acting under color of official right Defendants have

- i). **PERPETRATED MULTIPLE GRAND THEFT FELONIES** on Plaintiff's properties and on her two children's properties on several occasions
- ii). COMMITTED HATE, RACIAL AND SEXUAL DISCRIMINATION CRIMES against Plaintiff and her two children.

The above described acts were all performed according to Defendants scheme planned well ahead of the illegal reopening of Plaintiff's Bankruptcy on September 18, 2012.

FOR THE REASONS STATED, Plaintiff requests that this Court Order to DISQUALIFY DEFENDANTS KDG (KLEIN DENATALE GOLDNER COOPER ROSENLIEB & KIMBALL, LLP) FROM REPRESENTING DEFENDANT TRUSTEE VETTER EFFECTIVE IMMEDIATELY.

DEFENDANT JUDGE CLEMENT ACTING UNDER COLOR OF OFFICIAL RIGHT IS GUILTY OF MULTIPLE GRAND THEFTS, HATE CRIMES, RACIAL AND SEXUAL DISCRIMINATIONS CRIMES, HE MUST BE STRIPPED OF HIS RIGHT TO JUDICIAL IMMUNITY AND MUST BE TRIED AND PROSECUTED AS AN INDIVIDUAL CRIMINAL LIKE ALL OTHER DEFENDANTS!

This Case must also be forwarded for Special Investigation to other authorities that investigate HATE, RACIAL AND SEXUAL DISCRIMINATION CRIMES, JUDICIAL CORRUPTION etc so that these Defendants may be appropriately prosecuted.

Respectfully Submitted by Plaintiff:

Dated: December 29, 2014

SALMA AGHA-KHAN, MD. Plaintiff-Debtor in Pro Se

FRAUDULENTLY ALLOWED BY DEFENDANT JUDGE CLEMENT